

1 JOHN D. MUNDING, WSBA 21734
2 CRUMB & MUNDING, P.S.
3 1610 W. Riverside Ave.
4 Spokane, WA 99201
5 (509) 624-6464

6 Attorney for Defendants
7 MIDLAND FUNDING, LLC
8 MIDLAND CREDIT MANAGEMENT, INC

9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF WASHINGTON AT SPOKANE
11

12 KELLI GRAY, and all others similarly
13 situated,

14 Plaintiffs,

15 v.

16 SUTTELL & ASSOCIATES, *et al*,

17
18 Defendant.
19
20

Case No. 2:09-cv-251-EFS

(CONSOLIDATED CASE)

**DECLARATION OF JOHN D.
MUNDING IN SUPPORT OF
DEFENDANTS MIDLAND CREDIT
MANAGEMENT, INC., MIDLAND
FUNDING, LLC, AND ENCORE
CAPITAL GROUP, INC.'S MOTION
FOR PARTIAL SUMMARY
JUDGMENT**

21 JOHN D. MUNDING hereby states under penalty of perjury under the laws of
22 the United States that the following is true and correct:
23

24 1. I am over the age of majority and a resident of Spokane, Washington, and
25 I make this declaration of my own personal knowledge and am competent to testify to
26 all the facts herein.

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1 2. I am President of the law firm of Crumb & Munding, P.S, and counsel to
2 Defendants Midland Funding, LLC, and Midland Credit Management, Inc. I make this
3 declaration based upon personal knowledge, publicly available documents, and my
4 review of materials generated during the course of this litigation.

5 3. Attached as Exhibit A is a copy of Kelli Gray's NovastarIS credit report
6 dated 5/7/2003.

7 4. Attached as Exhibit B is a copy of excerpts of the Deposition Testimony
8 of KELLI E. GRAY HARRINGTON taken October 5, 2010 at 9:00 a.m. in Spokane,
9 WA. I personally attended this deposition.

10 5. Attached as Exhibit C is a copy of First Consumers National Bank's credit
11 card agreement.

12 6. Attached as Exhibit D is a copy of Kelli Gray's Spiegel Charge credit card
13 statement of 6/3/03.

14 7. Attached as Exhibit E is a copy of Kelli E. Gray's May 2003 bank
15 statement drawn on Spokane Teachers Credit Union.

16 8. Attached as Exhibit F is a copy of the Declaration of Kelli Gray in Support
17 of Defendant's Motion to Dismiss in Case No. 08-2-04860-2, filed October 20, 2009.

18 9. Attached as Exhibit G is a copy of a Bill of Sale and Assignment of
19 Accounts from SPIEGEL ACCEPTANCE CORPORATION to MIDLAND FUNDING
20 LLC dated December 4, 2007.

21 10. Attached as Exhibit H is a copy of a Purchase and Sale Agreement between
22 Spiegel Acceptance Corporation as Seller and Midland Funding LLC as Buyer dated
23 and effective as of December 4, 2007.

24 11. Attached as Exhibit I is a copy of 'Schedule A' of Plaintiff Kelli Gray,
25 original loan date 08/24/2001.

18. Attached as Exhibit P is a copy of confidential flow charts utilized by Midland Credit Management to estimate the applicable state statute of limitations.

EXECUTED this 13th day of April, 2015 in Spokane, Washington.

/s/ John D. Munding
JOHN D. MUNDING, WSBA #21734
Attorneys for Defendants

DECLARATION OF JOHN D. MUNDING - 3